

### Remarks

Applicants have herein canceled claims 2-7, 9, 18, and 20 without prejudice or disclaimer. Applicants reserve the right to pursue the subject matter encompassed by all canceled claims in one or more divisional or continuation applications. Applicants have herein amended claims 1, 8, 13, 14, and 19 to correct minor clerical errors and to include reference to ATCC Deposit Number 97186 (deposited June 1, 1995). *See*, Preliminary Amendment, filed November 30, 2001.

New claims 21-100 have been added herein to expand the embodiments of the provisionally elected subject matter. Support for new claims 21-100 can be found in the specification, figures, and claims as originally filed. For example, support may be found in the application at: page 6, fourth paragraph; page 19, third paragraph, last sentence; Figure 1; and SEQ ID NO:2 (full-length, glycosylated, minus methionine polypeptide); page 32, third paragraph to page 33, second paragraph (antibodies: monoclonal, polyclonal, human, humanized, chimeric, single chain, Fab fragment, hybridoma, immunized animal); Page 12, third paragraph (30 and 50 contiguous amino acids); page 29, penultimate paragraph to page 30, first paragraph (Western blot, ELISA); page 36-42 (cells expressing polypeptide).

No new matter has been added by the amendments made herein.

Upon entry of the present amendments, claims 1, 8, 10-17, 19, 21-100 will be pending.

### Provisional Election With Traverse

A restriction requirement has been issued separating original claims 1-20 into nine different groups. *See*, Paper No. 6, pages 2. To comply with the pending restriction requirement, Applicants herein provisionally elect, *with traverse*, the claims restricted to Group III (*i.e.*, original claim 10 and new claims 21-100); drawn to antibodies.

Applicants respectfully traverse the present election requirement.

A restriction requirement should not be imposed unless it can be shown that the search and examination of all groups would entail a "serious burden." M.P.E.P. § 803. In this regard, Applicants submit that a search of the antibody claims would provide useful information for the claims in each of the other related groups. For example, a search of the antibody claims would necessarily involve a search for references relating to the

polypeptide to which said antibodies bind. And, references disclosing any given polypeptide usually, if not always, teach or point to the polynucleotide sequence encoding the corresponding polypeptide. See *e.g.*, Usdin, *et al.*, "Identification and Functional Expression of a Receptor Selectively Recognizing Parathyroid Hormone, the PTH2 Receptor" (J. Biol. Chem., 270:15455-15458 (1995))<sup>1</sup> pointing to the corresponding polynucleotide in GenBank Accession U17418. Furthermore, references relating to antibodies, polypeptides, and polynucleotides will also provide information relating to corresponding agonists, antagonists, methods of treating, assays, and diagnostic methods. Therefore, since a search of the claims of Group III would overlap with a search of Groups I-II and IV-IX a search encompassing the subject matter of all nine groups would not entail a serious burden. Hence, Applicants respectfully request the restriction requirement be reconsidered and withdrawn.

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<sup>1</sup> Usdin, *et al.*, J. Biol. Chem., 270:15455-15458 (1995) was previously cited in the Information Disclosure Statement filed with the present application on Nov. 30, 2001.  
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**Conclusion**

Applicants respectfully request that the above-made remarks be entered and made of record in the file history of the instant application. The Examiner is invited to call the undersigned at the phone number provided below if any further action by Applicant would expedite the examination of this application.

If there are any fees due in connection with the filing of this paper, please charge the fees to our Deposit Account No. 08-3425. If a fee is required for an extension of time under 37 C.F.R. § 1.136, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

Date: \_\_\_\_\_

9/12/2003

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